

JOHNSON SELECTBOARD MEETING MINUTES
JOHNSON MUNICIPAL BUILDING
MONDAY, MARCH 7, 2022

Present: Selectboard members: Beth Foy, Duncan Hastings, Eric Osgood (remote), Eben Patch, Mark Woodward

Others: Brian Story, Rosemary Audibert, Kyle Nuse, Lynda Hill, Darrell Wescom (remote), Spencer (remote), Doug Collins (remote), Ken Tourangeau (remote), Paul Warden, Jackie Stanton, Diane Lehouiller, Casey Romero (remote), Neil Shepard

Note: All votes taken are unanimous unless otherwise noted.

1. Call to Order

Beth called the meeting to order at 6:33.

2. Review Invoices and Orders

The board reviewed and discussed invoices and orders. Duncan asked if the board should get a recommendation from Brian or Rosemary to approve the orders. Beth asked Rosemary if we can assume she approves them if they are presented to the board. Rosemary said yes. Beth asked what would happen if she did not approve a payment. Rosemary said she would make the board aware.

3. Additions, Changes to Agenda

Eben added a possible executive session about the current town grader with the possibility of action afterwards. .

Kyle asked to bring something up regarding beautification. Beth added that as the next item on the agenda.

4. Beautification Grants

Kyle said recently there was a motion passed to not have selectboard members and their families eligible for beautification grants. Mark's sister was actually the first one to apply for a beautification grant, before Mark was elected to the selectboard. She requested about \$50 for flowers. Beth said she feels it would be a conflict of interest for Mark's sister to get a grant. Mark agreed.

5. Treasurer's Report / Review and Approve Bills, Warrants, , Licenses / Any Action Items
Eben moved to approve second class liquor licenses for Butternut Mountain Farm and Johnson Sterling Market, with the standard letter to be sent, Mark seconded and the motion was passed.

6. Review and Approve Minutes of Meetings Past

Eben moved to approve the minutes of February 22 and February 23, 2022, Eric seconded and the motion was passed.

7. Review Planned Purchases

Brian said no purchases in excess of \$1K are planned for the next two weeks.

8. Mask Procedures for Municipal Services

Brian said municipal building employees would like to eliminate the masking requirement in the office. They would like to continue to ask guests, in particular visiting researchers, to wear masks. We assume they are visiting other communities and they may have visited

communities with a higher transmission rate. When interacting with them employees would also wear masks.

Eben said he is fine with that. He noted that the village trustees will also have to approve it.

Brian said currently guests are not required to wear masks at the window. Masks are required for entering the office.

Duncan asked about the listers' office. Brian said if a guest went into it, it would be included.

The board agreed to the employees' request.

Brian said employees would like to be able to be more responsive next time there is an increase in cases. He would like the board to give employees the authority to make the decision to require masks in the office. Eben said he is fine with that. He pointed out that the trustees will have to agree. Duncan asked if Brian means that the decision would be made by consensus of all the employees. Brian said yes. Beth said she thinks it is important to state that the decision would be made by consensus rather than by the administrator.

Brian said the library trustees are meeting later this week and will have recommended changes after that. The town garage will follow suit with the municipal building office. Beth asked if the town garage employees want to be able to make decisions by consensus about masking there. Brian said they don't have a lot of guests and they have more space. They would be happy with more latitude than in the office.

Brian said we have been requiring masks at selectboard meetings. That is good for accessibility and comfort of the public but transmission rates are a lot lower now. We do provide Zoom access. He doesn't have a specific recommendation. Beth said the consensus from the office was that when there are visitors employees will wear masks around them. Do employees feel differently about the selectboard? Rosemary said when working with members of the public employees are face to face with them, not spread out as much as people are at selectboard meetings. Brian said he feels similarly. This is a decent sized room. He is conflicted about what the best decision is. It is more convenient and more comfortable not to wear a mask but it is less safe. The risk is relatively low right now. He will be fine with whatever the board decides.

Beth said she heard today that a national-level health expert said at a recent conference that historically every 5 months there has been a new COVID variant. We are not quite at that point yet with omicron. She had been feeling like masks were no longer necessary but hearing things like that makes her less sure. She feels any decision we make should be data-based. We should look at the data to help inform us about risk.

Eric said he would support recommending but not requiring masks. Schools are loosening up their requirements and we have a smaller group of people at our meetings. It is probably relatively safe.

Duncan said he doesn't like wearing masks any more than anyone else, but his concern is that this is a public place. We are public officials and members of the public are coming in. Heaven forbid someone immunocompromised comes in and gets COVID. He is a little cautious about abandoning masks at this juncture.

Mark said if this room were full of people he would want them to be masked. He doesn't see how we can easily move from requiring masks or not depending on the number of people in the room. His thought is that it should be done the same way as in the office. With just the board, he feels comfortable with no masks but for the general public he thinks we should probably continue to require masks.

Eben said he will support what the employees want.

Eric moved to no longer require masking at selectboard meetings but to recommend it.

Eben asked if Rosemary and Brian are comfortable with that. Rosemary said yes. Brian said he has no comment. He is conflicted. **Eben seconded.** Mark said he will vote against the motion. Duncan said he would like to figure out some way to accommodate not wearing masks but also be sensitive to someone in the audience who might be more comfortable if we wore them. He will vote against it. Eric said schools are following recommendations from the Agency of Education and if they are feeling comfortable not requiring masks with their much higher populations and much higher concentration of people he doesn't have a problem dropping the requirement for selectboard meetings. **Beth suggested a friendly amendment, which was agreed to – adding “while Lamoille County transmission rates are at a low status based on the CDC national transmission rate maps.”** Eben said we can't expect everyone who comes to a meeting to check the map before they come in. Brian said we can make masks available and he can change the meeting warning to say that masks may be required. **The motion was passed in a roll call vote with Mark and Duncan opposed.**

9. *Purchase and Sale Agreement for Grader*

Brian said the grader is due for replacement this year. (*Paul Warden arrived at 7:06.*) A couple of replacement options have been identified. We trade in most of our old equipment but there is enough interest in specialized heavy equipment like this that we think we can get a significantly better price from a private sale. The previous selectboard recommended selling the old grader privately rather than trading it in. The board reviewed the quotes received for a new grader from John Deere and Cat. The John Deere is less expensive but the employees greatly prefer the Cat equipment. It is more comfortable to drive and has significantly better visibility and the John Deere has a problem with treating the road surface on a curve. We believe the Cat will hold its resale value better. We have had some problems with John Deere equipment not lasting as long as Cat. The recommendation is to purchase the Cat. The current plan would be to make the purchase then sell the old grader once we have the new equipment. If we order now the estimated delivery date would be August or September.

Eric said at the last meeting he was pretty much sold on getting the Cat because it was the preference of the highway department and it didn't sound like there was a big difference in price. When we were working on the budget we added money to the reserve fund to keep it healthy. The lowest it was going to get down to in the next 4 or 5 years was about \$50K. But

if we purchased the Cat the reserve fund would get down to \$40K in the red and if we purchased the John Deere it would get down to \$14K in the red. He would like to see a plan on how we are going to keep that reserve fund solvent with either purchase. Brian said the estimates on the reserve fund impact that were included in the supplemental material do not include what we would recoup from sale of the current grader. Eben said when we add in the cost of the warranty and the front blade for the John Deere the two tractors are within \$9K of each other in cost.

Eben asked whether the packing attachment that goes on the back should be listed as a separate item in our equipment plan. Maybe its wear time would be different from the grader and it would need a different replacement schedule.

Duncan said he is concerned that the budget that was passed and the capital budget it was based on were based on a grader cost of \$351K and we are now talking about spending \$385K. That is a pretty significant increase over what is in the capital plan and what was budgeted. How do we make up the difference? Evan said the original expected price was \$357, so there is an \$18K difference. Ideally we would make it up by getting a larger amount of money for the current grader than we had originally predicted.

Brian said selling the current grader would put the reserve fund back in the black. Eric said that makes him feel more comfortable.

Eben asked if these quotes were followed up on. There was an indication that some expenses might be reduced if we did not trade in the old vehicle. Brian said that did not materialize but when we followed up we pointed out that Cat did not include one of our requested features – rear fenders – and they are including those at no additional cost.

Mark asked if Brian is comfortable that we could get more than \$85K for the current grader. Brian said he is confident that we can. Mark asked if Brian feels confident that we can lock in the price for the bids. Brian said Milton Cat is asking for a signature on a purchase and sale agreement. Duncan asked, they would not expect payment until we take delivery? Brian said that is right. Beth asked when they will invoice us. It says that cash is due on receipt of invoice. Duncan said we should note on the sales agreement that we will pay cash on delivery. That is how it is normally done.

Duncan said he has concerns that we did not include the additional cost of the compactor when we were initially budgeting for this. Do we need it? We have never had it before. Brian said we currently spend \$45K on chloride and the idea is that we would be able to save money by using less chloride and also save time because we currently compact the roads by driving a tandem over them, which takes time.

Eric moved to enter into a purchase and sale agreement with Milton Cat for a grader, seconded by Eben. Duncan suggested a friendly amendment, which was accepted, to add “contingent on payment upon receipt.” Brian noted that neither quote has a separate price for the compactor attachment so the purchase can't be separated out unless we get new quotes. But in the future we can see whether it is wearing differently from the grader. **The**

motion was passed in a roll call vote with Duncan opposed. (*Jackie Stanton arrived at 7:28.*)

10. Review and Act on Possible ATV Ordinance Updates

Brian said the board needs to discuss what we are looking for with any updates we make to the ordinance or whether we want to make any. He included the VLCT model ATV policy as well as our current policy in the board packet. We have been allowing ATVs to use short sections of paved Class 3 and Class 2 roads. That is where we are out of line with what the ordinance says. It does not explicitly allow for ATVs on paved Class 3 or Class 2 roads at all. The current ordinance requires users to be VASA members. We don't have a legal opinion on whether that is recommended or not. It is not in the model policy. ATV riders would like to have continued permanent access to those paved Class 3 and Class 2 roads. Some other residents are more interested in restrictions or having another trial access period.

Mark asked if Brian is comfortable that it is legal for us to demand that people be members of VASA. Brian said he is not. Beth said he feels we should not have that in there. She doesn't know if it is legal or not but it seems that state law would govern how an ATV needs to be registered, not us. And she doesn't know that there could not be other clubs a user could be associated with besides VASA.

Brian said he would rather draft a new ordinance than modify the existing one. He would start with the VLCT model ordinance and modify it as necessary to meet the town's needs. There has been some discussion about the idea that rather than adding or removing roads from the ordinance we could publish a list of roads that are open annually. That could lead to a contentious fight each year but it would make the ordinance more flexible. He thinks there is value in being similar to our neighbors so he would look at ordinances in neighboring towns. (*Diane Lehouiller arrived at 7:35.*)

Beth said other feedback we have heard is that the existing ordinance is not enforceable. Is that correct? Brian said he thinks we have had the comment that it is not enforced, not that it is not enforceable. Duncan said he thinks that needs to be investigated. Brian agreed.

Lynda Hill asked if snowmobile riders need to be members of VASA. Eben said snowmobile riders belong to VAST, which is a different organization. Brian said VAST and VASA have pretty different rules that apply to them. Because snowmobiles are not suited for road use they rely more on trails. With VAST you are buying a trail use membership. They have negotiated access rights for their membership. The ATV club makes those arrangements with a number of landowners but ATVs can also be used on roads. There is more ATV riders can do even if they don't belong to an organization.

Eric said when the ordinance was first written we were looking to affect behavior. That was almost 20 years ago. Maybe it is a different time now. He has thought for a long time that this ordinance needs work. It is outdated and doesn't really reflect what we are doing in practice. He doesn't think we even have to have an ordinance. VLCT recommends that we have one but he believes we could open up highways as we feel appropriate for ATV use without an ordinance. Most laws that affect ATVs are state laws. Duncan said his understanding is that if we don't have an ordinance ATVs are excluded from town highways.

Beth asked if the board is open to using the model ordinance to start on a new ordinance. Mark said he thinks we have to do something. He will be curious to hear more from Brian about what our neighboring towns are doing. Beth said she knows Hyde Park calls out specific roads for use. Mark said he has heard that Bakersfield allows access only for residents. Eric suggested there might be value in checking in with Newport too. They allow downtown access. He would question whether it is allowable to restrict ATV use to only local residents. Duncan said he agrees it is time to review the ordinance.

Neil Shepard said he was told by Deb Markowitz when she was Secretary of State that is not legal to open roads to town riders only.

Duncan asked, would we have this as a work session item? Would we have a committee? When we did this in 2006 there was a committee. Most of them ended up resigning. Blaine Delisle wrote most of the ordinance based on the VLCT model at the time. At a special meeting the voters ended up not rejecting the ordinance. Neil Shepard said he was on the ad hoc committee. They did not resign. They presented a compromise position that was rejected by the board at the time. All their work was rejected. If the board is going to do anything like that again they should decide they will actually listen to the results of the ad hoc committee. Duncan suggested that at a minimum this should be the subject of a work session meeting. Mark said it seems to him to be more work than could be done in a portion of a meeting. Eben suggested that Brian do more research and come back next month with more information.

Jackie asked where we are now. Is it correct that the original ordinance stands it as it is and the exceptions to the board made, like allowing access to Gould Hill, are over now? Beth said that is right. Jackie said that should be communicated widely as days get warmer. People might not know that. Beth said that is a good point. She will work with Brian about the wording to be used to explaining it to the public.

Duncan said the crux of the matter will be what roads are going to be allowed. He doesn't think that is something Brian can come up with. What is in the current ordinance may not be what we want.

Neil said enforcement is important. People are routinely told by the sheriff's department that they don't have the manpower or ATVs to go after people, so we know the ordinance is a farce. It seems that this new ordinance will be something the town can't really enforce. We need to figure out enforcement.

Jackie asked if the work session will be just board members or if it will be a work session to talk about whether to have a committee. Beth said it will be a public work session to talk about everything related to a potential new ordinance.

Eric said the prior board took action to open certain roads to access. That may have gone beyond what the ordinance laid out but we can't just consensually say those roads are no longer open. It would require action of this board to close them. Beth said right now the only

legal document we have is the existing ordinance. That is what is before us and we just need to communicate what is in that ordinance. Eric said we can't just say the action of the previous board is undone without taking official action. The board has absolute control of town highways. He thinks we can open them up to ATVs. The only way the previous action can be undone is by this selectboard removing access. Eben said he would agree. Duncan said he doesn't agree. He doesn't think the fact that the prior board granted interim provisions as a test makes it legal to have done so. Eric said he is not referring to the trial but to some of the other roads, like Gould Hill. The current ordinance does not allow for access to paved sections but the selectboard on its own can authorize that. Duncan and Mark questioned whether the board had legal authority to do that. Eric said he believes the selectboard does have that authority. They have absolute control over highways regardless of what the ordinance says. Eben said granting access for ATVs to go down the road is no different than granting access to snowmobiles to cross the road. Duncan said he thinks it is different because the relevant state statute is different. Beth said she thinks we will not resolve this tonight. Eben said if we removed the ordinance we could approve access road by road. Beth said we can't just remove an ordinance. Beth said this will be on the next agenda. She asked if we can get clarity about the legality of previous decisions. Brian agreed to research that. Beth said she proposes not scheduling a work session until we have clarity on that.

11. Review and Act on Class IV Road Policy

Brian said at the last meeting we had comments on this policy and some suggested changes. He followed up on them but ran into some larger implications the board should consider. He has not sent this for legal review yet because he wanted to raise some issues. There was discussion from the floor on whether state statute requires towns to maintain culverts and bridges on Class IV roads. He found some support from VLCT and other legal opinions that we do have to maintain bridges and culverts but it is not directly illuminated anywhere in statute. The common understanding is that it is a requirement, but that has not been tried in court and there is no statute behind it. He suggests adding the sentence: *The state requires Towns to provide maintenance to bridges and culverts on Class IV highways (though the statutes do not specifically require or identify any specific level of maintenance) and to repair gully erosion on hydrologically connected road segments, and no maintenance at all on Legal Trails.* Beth suggested removing "The state requires" from the highlighted text and saying that the Town of Johnson provides maintenance to bridges and culverts. She also asked if we can specify the relevant statute but not include the text of the statute in the ordinance in case the statute changes. Brian suggested striking the added sentence entirely.

Paul Warden asked, haven't there been court cases on the question of whether the state requires maintenance of bridges and culverts? Brian said there are some other cases related to Class IV roads but he believes the opinion about bridges and culverts hinges on a description of legal trails that states that one thing distinguishing legal trails from roads is that bridge and culvert maintenance is not required, which implies that it is required for roads. No statute says it is required, though. Duncan said legal advice over the last 40 years has been that at minimum you have to maintain bridges and culverts.

Beth asked if Paul is comfortable with the changes discussed. Paul said yes.

Eric said in the sentence “State statute provides some guidance on the use and maintenance of Class IV highways and legal trails, which has been subject to interpretation and legal challenge over the years” he feels the part of the sentence after the comma should be removed because it is an opinion that is not really relevant. Brian said the whole paragraph could be stricken. Eben and Eric agreed. Paul said he thinks if the town is accepting responsibility for bridges and culvers that should be stated. Eben said it is stated elsewhere.

Brian said another suggestion from the floor at the last meeting was changing the sentence that says Class I, II and III roads are passable by a pleasure vehicle on a year-round basis to say they may be passable. But that is counter to state requirements. Class I, II and III roads are required to be passable by a pleasure vehicle year-round.

Brian pointed out a second place in the policy where it says we are responsible for bridges, culverts and significant erosion on Class IV roads. It was agreed to remove the third paragraph on the first page, which addresses maintenance requirements.

Brian said dealing with significant erosion is a requirement related to the Municipal Roads General Permit. We have to repair gully erosion greater than one foot deep. Eric said part of Coddington Hollow road has been like a riverbed for the last 20 years. The original road bed is totally gone. Does this give the expectation that we would bring that back up to a standard? Brian said that is what the state is asking us to do. He has talked to them about how it would do more environmental damage to bring in equipment to repair the road than to leave it as it is. The Planning Commission recommends converting some roads to trails for that reason. There are different requirements for trails. If we do not intend to make erosion repairs on Coddington Hollow Road we should seriously consider turning a portion of it into a trail.

Beth asked, if we adopt this policy and we do not change any Class IV roads into trails in the immediate future, will there be a requirement with this policy? Will there be grandfathering? Brian said roads would not be grandfathered in but they would be part of our work schedule. There is no expectation that all roads will be brought up to standard immediately. Coddington Hollow is currently on our list to get to in time but it is not a high priority.

Brian said another suggestion from last time was to change “should” to “shall” in the sentence “The notification should clearly state what the non-compliance is and what the Selectboard considers an acceptable resolution.” Brian did that and also removed the word “clearly” because whether or not something is clear is up to interpretation. The board agreed to that change.

Mark asked what our neighboring towns are doing about Class IV road maintenance. Brian said they are all in the same position. We are still ahead of most of the state in terms of our compliance with MRGP. MRGP does eventually require 100% compliance. The requirement coming up in a couple of years is that we will have brought all hydrologically connected roads with slopes greater than 10% into compliance.

Donna Griffiths pointed out that the Highway Access & Work in the Right of Way Policy says work in Class IV road rights of way is governed by the Class IV Road Policy but the

Class IV Road Policy refers to the Work in the Right of Way Policy. Brian said he will look at the policies and see if changes need to be made to either one. One of the two needs to have language about how to handle permits for Class IV roads. Then he would like to take the policy for legal review provided there is no major departure from what already exists.

Duncan said he thinks it is premature to go for legal review. He would like to see the policy allow basic maintenance without a permit while setting forth standards. Paul said the Planning Commission originally drafted a policy that included the ability to do work like grading that affected the top six inches of the road surface without a permit. That was struck out by the selectboard. He agrees with Duncan. A lot of people are doing that work now because the town is not grading roads. Duncan said having been involved in situations where loggers did severe damage to Class IV roads he thinks a mechanism needs to exist to require a bond or similar to bring the road back to standard if the person doing the work fails to do so. But he would love to see us get to a point where we might allow people living on Class IV roads to do work without having to get a highway permit every time.

Donna said the Highway Access & Work in the Right of Way Policy does list some work that does not require a permit. Duncan said the things listed all involve work on the access, not on the road itself.

Beth asked how the rest of the board feels. Eben said he feels people are already doing it now but if we allow maintenance without a permit we are accepting responsibility without any form of communication about who did what. If we require a permit then if someone does something wrong we can usually figure out what was done and fix it. He doesn't think it should be open for people to do what they want.

Mark said he is hearing from people that they are already doing this. It seems like we could set parameters versus just keeping our head in the sand. It's a tricky situation. People are already doing work on the roads. If we don't set parameters and people don't get permits what are we going to do, fine them?

Paul asked what the process is now for getting a permit. Brian said people submit a permit application. It is reviewed with the road foreman. You can file a permit application if you are not sure whether you will need a permit and get a consultation. You pay a permit application fee of \$75, then receive a notice to proceed, which gives you permission to do the work described. Once you are done the notice to proceed is returned to the road foreman, who gives you a completed permit. Paul asked if there is an insurance requirement. Brian said that is up to the road foreman's discretion. Paul asked, if someone wants to grade their road, can the road foreman say a permit is not needed? Is that discretionary? Brian said with the existing Class IV policy the board had directed that permits should not be required for regular maintenance of Class IV roads. Duncan asked, that has already been changed so permits are not required? Brian said it would be better if that language was adopted in the policy but meeting minutes show that that decision was made.

Beth said she is hearing that we are not done. Brian said it is not clear when a permit is required and when it is not.

Eric said we have addressed that snow plowing would not require a permit. He thinks it is good to require permits because then we know what is being done on our highways. But the policy says permits will not unreasonably be withheld by the town. He thinks people will get permits if they request them. Requiring permits is a good way for us to know that people are doing something and doing it correctly.

Mark asked how we came up with the \$75 fee. Brian said he doesn't know. That has been the fee for a long time.

12. Financial Controls Update

Brian said he had a great meeting with VLCT's new government finance specialist. She is eager to help with completing our audit RFP. He was hoping to have her recommended changes to the RFP for tonight but he doesn't have them yet. **Duncan moved to authorize Brian and Rosemary to circulate an RFP for audit services pending any comments they might receive from the VLCT government finance specialist, Mark seconded and the motion was passed.**

13. Congressional Spending Requests

Brian said last year our congressional delegation asked for spending requests. They are looking for local projects they could include in federal spending bills. We didn't get the go ahead on our proposed projects. Our two priority projects were the light industrial park and trails around Old Mill Park and the talc mill property as well as replacing the bridge that used to go between Old Mill Park and the skatepark. They are opening up for requests again. Senator Leahy's office is the first to open up. Brian would like to circulate more or less the same projects. There are more updates to the recreational project since last year. The light industrial park project would be putting in infrastructure to open up the property. That is our first priority. He thinks it is worth shopping both projects around. Some would be more interested in one or the other. Sen. Sanders was not that interested in our economic development activity but he is very interested in anything to do with the rail trail. The board would have an opportunity for review if anyone picked up these projects. Brian intends to spend a decent amount of time making these applications.

Beth said we have put the light industrial park out there several times with little interest. Is there something we need to do differently? Brian said he thinks there are a few things we can look at as far as adapting it and attacking it differently. He doesn't think this is the venue for making those changes. Possibly reducing the scope could be more appetizing for some of the grant programs. What we have heard from Sen. Leahy's office is that they want bigger, more expensive projects, not something as small as our recreation project.

Duncan said at one point in relatively early stages of the planning for the light industrial park there was discussion about the lot behind what used to be the old Bradley house that had various potential uses, including affordable or elderly housing. Would a housing component make the project more attractive? Brian said it could for some applications. Something we applied for recently specifically ruled out a housing component. That would make us more competitive on some applications and less on others. We have generally not been including the housing component. We need a more detailed discussion about ARPA funds soon. That could be a major component in the success of searching for funding this year. The Northern

Borders Regional Commission and the Economic Development Authority have partnered on a number of projects. That would pay for quite a bit. We need a cash match to be competitive with that. ARPA funds could be used for that if they are recovered as lost revenue and then used to invest in this.

Mark said he is curious about the possible bridge across the river. He sees that as something that would keep people from going downtown. They could go directly to Jolley and never visit downtown. Kyle asked where this plan came from. Brian said the planning for this has come from the assistance of Casey Romero. There used to be a bridge in that location and we have heard from different groups a desire to bring it back. The skatepark would like to make it easier for cyclists to access the park. We have had discussions about a dog park and some property the town owns in that area that would be a good location except that pedestrian accessibility is not good. He doesn't believe we have had a lot of discussion about the commercial impacts of making that bridge. Mark said he would be very concerned that a bridge in that location could be a funnel for people on the rail trail to come to Jolley and not into the village.

Beth asked, the project is more than just the bridge? Brian said yes. A central part of it is a different avenue for branding and marketing. One proposed slogan for Johnson is "Where the trails come together." Part of this proposal would be developing multi-use trails on the old talc mill property. Lisa Crews is planning to go to the village to ask their permission to put in an Act 250 amendment request to see if trail development would be possible.

Eric said the bridge discussion first came up when we heard there was a lot of money available and we had about 5 days to brainstorm how we might use it. That is where the idea of the connecting bridge between the skatepark and Old Mill Park came from. Regarding the light industrial park he feels like it is stalled. But if we had someone in the position Lea held, would we still be in this place? The voters did approve \$40K for community and economic development and if the village contributes as well we may have someone in a similar position.

Kyle said she asked who put the work into this because she feels there need to be more perspectives put into it. It sounds like a major branding/marketing idea is being suggested. But our town is more than just trails. There is also a lot to do with the arts. If this is how we are branding ourselves, we need more people in the conversation. She also would worry about people bypassing the downtown. She thinks this needs to be talked about more with more community partners and major institutions like NVU, VSC and Laraway. She sees ATVs listed as one of the groups that would use some of these trails and she is wondering about where and how. Would they be at the skatepark? On town property? We are still figuring out what we want regarding ATVs as a town.

Eben said if we get funding for the recreation project it should be made clear that the marketing campaign described in the proposal is an idea, not something the selectboard has approved. Brian said there will be more opportunities for review and a more complete project. It is helpful to hear about other voices that want to be at the table but the idea is not fully fleshed out yet. He would like board support to continue to move forward. Or if there

are a lot of concerns he won't shop this around until more questions are answered if that is the board's preference. For Leahy's office we need to submit something by this Friday or this coming Monday. But the recreation project would not be a competitive application for them. The industrial park would be a better project.

Mark said it looks like a big hunk of the recreation project is the engineering for the potential bridge. He is not convinced he wants to support that. Duncan said he got a phone call from a Conservation Commission member who strongly argued that the Conservation Commission needs to be involved in discussions about town property and multi-use trails. Brian said they will be involved. The stage we are at now is determining whether a trail system is even a possibility. We need permission from the village to seek Act 250 approval to determine if this is even a feasible project.

Beth said she is hearing that people are not totally on board with the recreation plan but it sounds like there is support for the industrial park project. Other board members agreed.

14. Congressional Spending Requests

Brian said he doesn't believe a motion was made to appoint anyone as Doug Molde's alternate to the Brownfield Committee. Brian was the prior alternate. He has time to serve as Doug's alternate. Doug has to recuse himself at times because of his history as a property attorney. **Eben moved to appoint Brian Story as the alternate to the Brownfield Committee, Duncan seconded and the motion was passed.**

15. Executive Session for Discussion of Legal Proceedings to Which the Town May Be a Party

Eben moved and Mark seconded that premature general public knowledge regarding the legal proceedings to which the town may be a party would clearly place the town at a substantial disadvantage, because the board's discussion may disclose its positions.

Duncan asked for enough information about the issue to be discussed so he could be confident voting on the motion. Brian said it is about the disposition of a former employee. **The motion was passed.**

Eben moved to enter executive to discuss legal proceedings as allowed by 1 V.S.A. § 313(a)(1), Mark seconded the motion was passed and the board entered executive session at 8:53. The board came out of executive session at 9:04.

16. Executive Session for Discussion of Sale of Grader

Eben moved that premature general public knowledge regarding the sale of the current grader would place the town at a substantial disadvantage because the board's negotiating position would be disclosed. The motion was seconded and passed.

Eben moved to go into executive session to discuss sale of the grader as allowed by 1 VSA 313(a)(1), the motion was seconded and passed and the board entered executive session at 9:05. The board came out of executive session at 9:20.

17. Adjourn

The meeting was adjourned at 9:24.

Minutes submitted by Donna Griffiths